

# FISH & RICHARDSON P.C.

Frederick P. Fish  
1855-1930

W.K. Richardson  
1859-1951

October 12, 2005

1425 K STREET, N.W.  
11TH FLOOR  
WASHINGTON, DC 20005

Telephone  
202 783-5070

Facsimile  
202 783-2331

Web Site  
[www.fr.com](http://www.fr.com)

Edwin N. Lavergne  
(202) 626-6359  
[LAVERGNE@FR.COM](mailto:LAVERGNE@FR.COM)

## VIA ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554



BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Re: **EX PARTE SUBMISSION**

WT Docket No. 03-66; Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands

Dear Ms. Dortch:

Today, on behalf of the Catholic Television Network ("CTN") and the National ITFS Association ("NIA"), I made an ex parte presentation by telephone to Fred Campbell of Chairman Martin's office regarding the above-referenced proceeding.

**Technical Interference Issues.** I emphasized the continuing concern of CTN and NIA with the potential for technical interference that may be caused by pre-transition two-way deployments and insufficient D/U protection for fixed EBS receive sites, as well as the need for the Commission to take prompt and decisive action should actual interference occur in either context. I indicated that while there may be no reported cases of actual interference to date, the likelihood of such interference will increase as new deployments become more widespread in the years ahead.

**15-Year Maximum Lease Term.** I also emphasized the importance of retaining the existing 15-year maximum EBS lease term. In their Petition for Reconsideration in this proceeding, CTN and NIA asked the Commission to ensure that the text of the new rules accurately reflect the Commission's findings in paragraph 181 of the Report and Order. The Wireless Communications Association International, Inc. and several big players in the commercial community have offered absurdly crabbed interpretations of the abundantly clear Paragraph 181 to suggest, in particular, that the Commission actually intended to remove one (but only one) substantive requirement – the 15 year limit on EBS lease terms. Should the

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Commission decide to commence a review of EBS lease requirements, however, the scope of that review should be wide open. A review should include not only the possible watering down of existing requirements, such as the 15-year lease term limit, but also proposals from the educational community to add additional substantive requirements that might serve to facilitate the traditional educational purposes of EBS.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this letter is being filed electronically.

Respectfully submitted,

/s/ Edwin N. Lavergne

Edwin N. Lavergne  
Counsel to the Catholic Television  
Network

cc Fred Campbell  
John Schauble  
Uzoma Onyeije  
Catherine Seidel  
Todd Gray